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RABIN & BERDO, P.C.  
Suite 500  
1101 14 Street, N.W.  
Washington, DC 20005

EXAMINER
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STANLEY, MARK P

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

1. This action is in response to the amendment filed on 4/2/2008.
2. Claims 13-23 are pending in the application. Claims 1-12 have been canceled. Claims 13-23 have been newly added.

### ***Response to Arguments***

3. Applicant's arguments filed 4/2/2008 with respect to claims 13-23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Schaff does not teach an on-the-fly retrieval of captured images, only a retrieval of archived captured images. However, Examiner respectfully disagrees in that paragraph 42 of Schaff teaches that user may view video being captured by system but at the same time be prevented from viewing pre-recorded video. Thus, while user's may view archived captured images, a user may also be restricted to only retrieval of images on-the-fly during transmission and not the archived pre-recorded captured images (Fig. 4 shows a user only has privileges to retrieve captured images in an on-the-fly, where Fig. 5 shows full privileges to search archived captured images and on-the-fly captured images) where the use of assigned privileges for live camera viewing and recording playback is stated (claim 48 of Schaff). Further, Schaff at no point limits the streaming of captured images to the NVR as a pre-recorded status prior to being streamed to user, Schaff merely teaches that a user may search through archived captured images, it is well known in the art that data may be streamed from a NVR for viewing simultaneously as it is being streamed to the NVR for storage.

Applicant argues that Schaff does not teach assigning content related tags. However, Examiner respectfully disagrees, in that the event attributes are directly related to the captured images and are used for better filtering during searching for events that occurred during the capturing which would include events such as the detection of a vehicles or vehicle license plates.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

5. Claims 13-14 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaff (US 2004/0136388 A1 hereinafter Schaff).

**Regarding claim 13**, Schaff discloses “a remote video-on-demand digital monitoring system comprising” ([0031], Fig. 1)

“an image capture module for capturing images;” ([0050], Fig. 1 items 1 and 2)

“a video-on-demand module for retrieving the captured images;” ([0070])

“a client system for executing the video-on-demand module and displaying the retrieved images on-the-fly during transmission; and”([0042], [0052], Fig. 1 items 5 and

6, Fig. 4, a user may be limited to viewing video being recorded on-the-fly during transmission via use of preferred viewing modules)

“a server relay module that is connected to the client system, the image capture module and the video-on-demand module via a telecommunication network, and, in response to a control command from the video-on-demand module, transmits the captured images to the video-on-demand module” ([0031], [0063], Fig.1).

**Regarding claim 14**, Schaff discloses “the digital monitoring system of claim 13, wherein the video-on-demand module comprises a means for broadcasting a user-selected portion of the retrieved images” ([0070], Figs. 11-13).

**Regarding claim 16**, Schaff discloses “the digital monitoring system of claim 13, wherein the video-on-demand module comprises one of means for playing, fast-forward playing, backward playing, pausing playing and stopping playing the retrieved images, after the retrieved images are transmitted to the video-on-demand module” ([0052], ActiveX video player).

**Regarding claim 17**, Schaff discloses “the digital monitoring system of claim 13, wherein the server relay module and the video-on-demand module are on a server, and the video-on-demand module can be transmitted from the server to the client system for execution” ([0031], [0033], Fig. 1)

**Regarding claim 18**, Schaff discloses “the digital monitoring system of claim 13, wherein the control command comprises information that the server relay module uses to establish a connection via the telecommunication network for transmitting retrieved images” ([0031], [0033], Fig. 1).

**Regarding claim 19**, Schaff discloses “the digital monitoring system of claim 18, wherein the information comprises socket data” ([0031], [0033], Fig. 1, where the described IP communications involves socket data).

**Regarding claim 20**, Schaff discloses “the digital monitoring system of claim 13, wherein the server relay module can search captured images” ([0070], Figs. 11-13).

**Regarding claim 21**, Schaff discloses “the digital monitoring system of claim 13, wherein a captured image has a note that is related to the content of the captured image” ([0070] describes the use of tags, where the tags can contain attributes such as event activity and motion detected).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaff (US 2004/0136388 A1 hereinafter Schaff) as applied to claim 14 above.

**Regarding claim 15**, Schaff discloses “the digital monitoring system of claim 14” as described above, but while Schaff teaches the use of an NVR ([0063], [0070]) and assigning privileges for determining the live camera viewing and recording playback functions available to a user (claim 48 of Schaff, [0042], Figs. 4-5), Schaff does not explicitly state the simultaneous broadcast and recording of selected images. However, OFFICIAL NOTICE is taken that it is well known in the art that data may be streamed from a NVR for viewing simultaneously as it is being streamed to the NVR for recording, for the purpose of live camera viewing during archival of captured images.

8. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaff (US 2004/0136388 A1 hereinafter Schaff) as applied to claim 21 above, and in further view of Kumhyr (US 2004/0001142 hereinafter Kumhyr)

**Regarding claims 22-23**, Schaff discloses “the digital monitoring system of claim 21” as described above, but while Schaff teaches the use of event detection via means including motion detection and adding tags to captured images based on the event detection, Schaff does not explicitly state specific means for vehicle identification during event detection used in adding the tags to captured images.

However, Kumhyr teaches a surveillance video system where captured images are analyzed for identification information ([0018]), including vehicle recognition and license plate identification ([0030]-[0031]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Schaff for a video-on-demand focused surveillance system including adding event driven tags to the captured images with the teachings of Kumhyr for surveillance system which analyzes captured images for tracking criminal suspects via human recognition, vehicle recognition and license plate identification in captured images. One would have been motivated to do so for the purpose of improving the surveillance system and event driven tags of Schaff by providing information for specific identification of vehicles or persons in the event driven tags.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



### ***Contacts***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. STANLEY whose telephone number is (571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark P Stanley/  
Examiner, Art Unit 2623

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623